

140th anniversary
Nauman Smith
FILED
ATTORNEYS AT LAW

JAN 5 2012

Please Reply to:

JAN - 5 2012

Benjamin C. Dunlap, Jr.

P.O. Box 840

SURFACE

E-mail: bdunlapjr@nssh.com

Harrisburg, PA 17108-0840

TRANSPORTATION BOARD

(717) 236-3010, Ext. 21

January 4, 2012

FEDERAL EXPRESS OVERNIGHT MAIL

Anne K. Quinlan, Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

FREE RECEIVED

JAN - 5 2012

TRANSPORTATION BOARD

231612

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RE: Docket No. AB 167 (Sub-No. 1191X)
Consolidated Rail Corporation – Abandonment
Exemption – in Philadelphia, Pennsylvania

Docket No. AB 55 (Sub-No. 710X)
CSX Transportation, Inc. – Discontinuance
Exemption – in Philadelphia, Pennsylvania

Docket No. AB 290 (Sub-No. 552X)
Norfolk Southern Railway Company – Discontinuance
Exemption – in Philadelphia, Pennsylvania

ENTERED
Office of Proceedings
JAN - 5 2012
Part of
Public Record

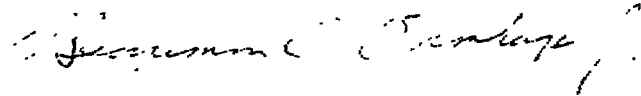
Dear Ms. Quinlan:

Enclosed for filing with the Board are the original and ten copies of a combined Notices of Exemption in reference to the above-described abandonment (Consolidated Rail Corporation) and discontinuance of service (CSX Transportation, Inc. and Norfolk Southern Railway Company), which are submitted pursuant to 49 C.F.R. §1152.50, together with a **single check in the amount of \$10,800 to cover the \$3,600 filing fee for each of the three matters, per my discussion with Brian O'Boyle at the Board.** Pursuant to 49 C.F.R. §1104.2, the original and all copies are paginated consecutively to assist with scanning. Also, pursuant to 49 C.F.R. §1104.3(b)(1), enclosed please find three (3) electronic copies of this filing on compact disc.

Also enclosed is the requisite Environmental and Historic Report in conformance with 49 C.F.R. §§1105.7 and 1105.8; copies of letters consulting governmental agencies and officials with regard to environmental and historical matters as specified in §§1105.7 and 1105.8; copies of the responses Conrail has received from those agencies; and copies of letters that were mailed pursuant to §§1152.50(d)(1), 1105.7(b), and 1105.8(c) giving advance notice of this filing as required by those sections.

Please time stamp the enclosed extra copy of this letter and return it to me in the enclosed self-addressed, stamped envelope.

Sincerely,

A handwritten signature in cursive script, appearing to read "Benjamin C. Dunlap, Jr.", written in dark ink.

Benjamin C. Dunlap, Jr.

Enclosures

cc: All Parties on Attached Service List (US Mail)

SERVICE LIST FOR FILING OF NOTICES OF EXEMPTION
ON JANUARY 4, 2012

Anne K. Quinlan, Secretary Surface Transportation Board 395 E Street, SW Washington, DC 20423	U.S. Department of the Interior National Park Service Recreation Resources Assistance Division 1201 Eye Street, NW, 9 th Floor (Org Code 2240) Washington, DC 20005
Sarah L. Gulick, Director Bureau of Rail Freight, Ports & Waterways Pennsylvania Department of Transportation P.O. Box 2777 Harrisburg, PA 17105-2777	Heidi L. Wushinske, Assistant Counsel Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265
Ed Bonner U.S. Army Engineer District, Philadelphia The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390	David Dorfman, P.E. Railroads for National Defense Program SDDC Transportation Engineering Agency 1 Soldier Way, Building 1900W Scott AFB, IL 62225-5006
U.S. Fish & Wildlife Service Pennsylvania Field Office 315 South Allen Street Suite 322 State College, PA 16801	U.S. Railroad Retirement Board Nix Federal Building 900 Market Street, Room 301 P.O. Box 327 Philadelphia, PA 19105-0327
U.S. Environmental Protection Agency Region 3 1650 Arch Street Philadelphia, PA 19103-2029	Tom Tidwell, Chief U.S. Forest Service 1400 Independence Avenue, SW Washington, D.C. 20250-0003
Rina Cutler Deputy Mayor for Transportation and Utilities 1401 John F. Kennedy Blvd Municipal Services Building Suite 1430 Philadelphia, PA 19102-1683	Michael Krancer, Secretary Pennsylvania Department of Environmental Protection 909 Elmerton Avenue Harrisburg, PA 17110

<p>Simon Monroe Spatial Reference System Division National Geodetic Survey 1315 East-West Highway Silver Spring, MD 20910-3282</p>	<p>Domenic Rocco, P.E. Chief, Stormwater Section Pennsylvania Department of Environmental Protection Southeast Regional Office 2 East Main Street Norristown, PA 19401</p>
<p>Dennis Reidenbach, Regional Director National Park Service U.S. Custom House 200 Chestnut Street, 5th Floor Philadelphia, PA 19106</p>	<p>Carolyn Wallis, Natural Resources Program Supervisor Department of Conservation and Natural Resources Bureau of Recreation and Conservation - Southeast Region 801 Market Street Suite 6020 Philadelphia, PA 19107-3158</p>
<p>Federal Railroad Administration Region 2 Baldwin Tower, Suite 660 1510 Chester Pike Crum Lynne, PA 19022</p>	<p>Matt Walderon, Coastal Resources Specialist Pennsylvania Department of Conservation and Natural Resources 400 Market Street 6th Floor, Rachel Carson State Office Building P.O. Box 8475 Harrisburg, PA 17105-8451</p>
<p>Douglas C. McLearen, Chief Division of Archaeology & Protection Pennsylvania Historical & Museum Commission State Historic Preservation Office Commonwealth Keystone Building 400 North Street, Second Floor Harrisburg, PA 17120-0093</p>	<p>Randall T. Brown, Federal Consistency Coordinator Coastal Resources Management Program Pennsylvania Coastal Zone Management Agency Southeast Regional Office 2 East Main Street Norristown, PA 19401</p>
<p>Denise Coleman, State Conservationist Pennsylvania Natural Resources Conservation Service One Credit Union Plaza Suite 340 Harrisburg, PA 17110-2993</p>	<p>U.S. Department of Agriculture Natural Resources Conservation Service P.O. Box 2890 Washington, D.C. 20013</p>

**The Pennsylvania State University
Cooperative Extension Service-
Philadelphia County
College of Agricultural Sciences
111 N. 49th Street
Suite KN3-100
3rd Floor North
Philadelphia, PA 19139**

**The Pennsylvania State University
Cooperative Extension
College of Agricultural Sciences
201 Agricultural
Administration Building
University Park, PA 16802**

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB NO. AB 167 (SUB-NO. 1191X)

CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION – IN
PHILADELPHIA, PENNSYLVANIA

STB NO. AB 55 (SUB-NO. 710X)

CSX TRANSPORTATION, INC. – DISCONTINUANCE EXEMPTION – IN
PHILADELPHIA, PENNSYLVANIA

STB NO. AB 290 (SUB-NO. 552X)

NORFOLK SOUTHERN RAILWAY COMPANY – DISCONTINUANCE
EXEMPTION – IN PHILADELPHIA, PENNSYLVANIA

NOTICES OF EXEMPTION

1. Consolidated Rail Corporation (“Conrail”) hereby files its verified notice of exemption pursuant to 49 C.F.R. § 1152.50 to abandon the line of railroad described below. CSX Transportation, Inc. (“CSXT”) and Norfolk Southern Railway Company (“NS”) hereby file their verified notices of exemption pursuant to 49 C.F.R. § 1152.50 to discontinue service over these same lines of railroad described below. Maps showing the location of the line and more specifically describing the portion to be abandoned are attached hereto as Exhibit “1.”

Name: Berks Street Industrial Track

Location: Philadelphia, Pennsylvania.

Description of Track: From approximately milepost 0.00± to approximately milepost 2.98± in the city of Philadelphia, Pennsylvania, traversing United States Postal Service Zip Codes 19122, 19123 and


19134. Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.00 and 2.70.

Length of Track: 2.98 total miles±

2. Applicants certify that (a) no local or overhead traffic has moved over the line for at least two years, (b) any overhead traffic that has or could move over the line can be rerouted, and (c) no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending before the Board or any United States District Court or has been decided in favor of a complainant within the last two years.
3. The proposed consummation date of the abandonment is March 5, 2012.
4. The exact names of the applicants are Consolidated Rail Corporation ("Conrail"), CSX Transportation, Inc. ("CSXT"), and Norfolk Southern Railway Company ("NS") (jointly referred to herein as "Applicants").
5. Applicants are common carriers by railroad subject to Subtitle IV, Part A, of Title 49, United States Code, and are not a part of any other railroad system.
6. The relief Applicants seek is abandonment and discontinuance of service of the above-described line.
7. Applicants' representative to whom correspondence relating to this matter should be addressed is Benjamin C. Dunlap, Jr., Esquire, Nauman, Smith, Shissler and Hall, LLP, 200 North Third Street, 18th Floor, Harrisburg, Pennsylvania 17101, Telephone: (717) 236-3010, Ext. 21, E-mail: bdunlapjr@nssh.com

8. Applicants are aware of no alternative public purpose for which the property is suitable, other than the sale of Milepost 2.70 to 2.92 to a private developer for commercial development in an underserved area of the City. It is to be further noted that from Milepost 0.00 to 2.70, over which Conrail retained operating rights, was sold to the City of Philadelphia in 1978.
9. Applicants acknowledge that the Board must require provisions for protection of the interests of employees as a condition of any abandonment and that it may not in the exercise of its exemption authority relieve a rail carrier from an obligation to protect the interests of employees. See 49 U.S.C. §§ 10903(b)(2) and 10502(g), as amended. Applicants believe that the appropriate level of labor protection to be imposed is that contained in the conditions set forth in Oregon Short Line Railroad Company – Abandonment – Goshen, 360 I.C.C. 91 (1979).
10. Attached hereto as Exhibit “2” is the Environmental and Historic Report in conformance with 49 C.F.R. §§ 1105.7 and 1105.8, along with an Addendum for a comment received subsequent to service of the Report on the required agencies.
11. The undersigned counsel for Conrail certifies that (a) the notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with by the sending on October 13, 2011 of letters to the agencies and entities specified in 49 C.F.R. § 1152.50(d)(1) (a copy of which is attached hereto as Exhibit “3”); (b) the requirements of 49 C.F.R. §§ 1105.7(b) and 49 C.F.R. 1105.11 have been fulfilled by the sending on July 11, 2011 of letters to the specified governmental agencies (copies of which are attached hereto as Exhibit “4”), and the sending on October 13, 2011 of copies of the Environmental and Historic Report containing the information required in 49 C.F.R. § 1105.7(e) to the specified governmental agencies (a copy of the transmittal letter and service list are attached at the end of the Report at Exhibit “2”); (c) the requirements of 49 C.F.R. § 1105.8(c) have been met by the sending on October 13, 2011 of a copy of the Environmental and

Historic Report to the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (a copy of the transmittal letter and service list are attached to the end of the Report at Exhibit "2"); and (d) the requirements of 49 C.F.R. § 1105.12 have been fulfilled by the publishing of a notice on November 7, 2011 in Philadelphia Daily News, a newspaper of general circulation in Philadelphia, Pennsylvania. An Affidavit of Publication and a copy of the text of this notice are attached hereto as Exhibit "5".



BENJAMIN C. DUNLAP, JR., ESQUIRE

Nauman, Smith, Shissler & Hall, LLP
200 North Third Street, 18th Floor
Harrisburg, PA 17101
(717) 236-3010, Ext. 21

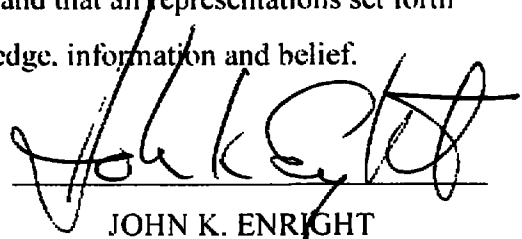
Counsel for Consolidated Rail Corporation

DATE: January 4, 2012


VERIFICATION

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF PHILADELPHIA :

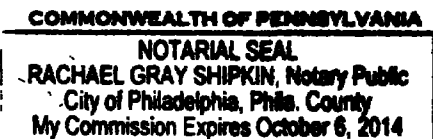
John K. Enright, being duly sworn, makes oath and says that he is Associate General Counsel of Consolidated Rail Corporation, that he has been authorized by proper corporate action of Consolidated Rail Corporation to verify and file with the Surface Transportation Board the foregoing Notice of Exemption; that he has general knowledge of the facts and matters relied upon in such Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.


JOHN K. ENRIGHT

Sworn To and Subscribed
Before Me This 23rd Day
of DECEMBER, 2011



Notary Public



End Milepost 2.98

BERKS STREET I.T.
LINE CODE 0301

U.G. 2.80

Begin Milepost 2.70

OPERATING RIGHTS AREA

U.G. 2.92

ALLEGHENY AVE.

INDIANA AVE.

TRACKS
REMOVED

ANTICIPATED LINE ABANDONMENT
BERKS STREET I.T.

- Anticipated abandonment
- Operating rights area

EXHIBIT "A" 1 of 2

PHILADELPHIA, PA - NJ

BERMANTOWN, PA

Milepost 0.00

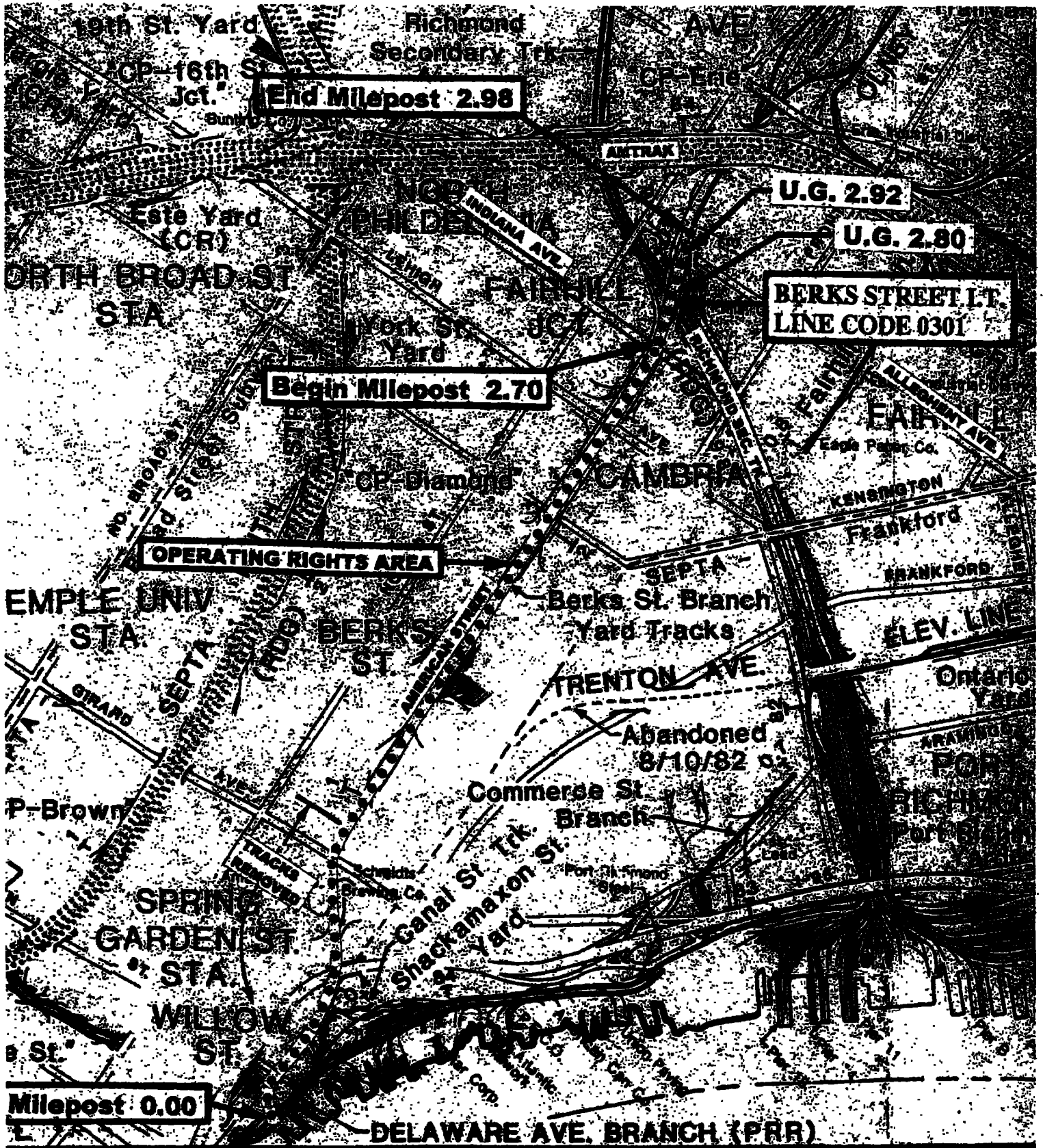
EXHIBIT

1

SCALE 1:24,000

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 KILOMETER



ANTICIPATED LINE ABANDONMENT BERKS STREET I.T.

- Anticipated abandonment
- Operating rights area

NOT TO SCALE EXHIBIT "A" SHEET 2 of 2

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB NO. AB 167 (SUB-NO. 1191X)

CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION – IN
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CSX TRANSPORTATION, INC. – DISCONTINUANCE EXEMPTION – IN
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STB NO. AB 290 (SUB-NO. 552X)

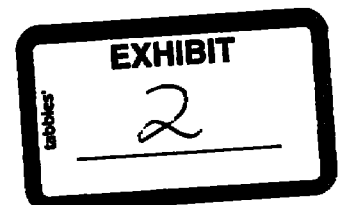
NORFOLK SOUTHERN RAILWAY COMPANY – DISCONTINUANCE EXEMPTION – IN
PHILADELPHIA, PENNSYLVANIA

NOTICES OF EXEMPTION

ENVIRONMENTAL AND HISTORIC REPORT

Consolidated Rail Corporation (“Conrail”), CSX Transportation, Inc. (“CSXT”), and Norfolk Southern Railway Company (“NS”) (collectively, “Applicants”) submit this Environmental and Historic Report in accordance with 49 C.F.R. §§ 1105.7 & 1105.8. Applicants have fulfilled the requirements of sections 1105.7 and 1105.8 that they consult specified public agencies by sending letters to such agencies and requesting comments on the effect of this action on the environment and on matters of historic preservation concern. Copies of the letters and all responses Applicants have received to date are attached to this Report. Any responses received in the future will be promptly furnished to the Board.

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ENVIRONMENTAL

1. **Proposed Action and Alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action is abandonment (Conrail) and discontinuance of service (CSXT and NS) of an out-of-service section of a line of railroad known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to Milepost 2.98, in the city of Philadelphia, Pennsylvania, traversing United States Postal Service Zip Codes 19123, 19122 and 19134 (the "Line"). Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.00 and 2.70. Applicants expect to file combined Notices of Exemption to abandon and discontinue service on the Line on or after November 15, 2011. As the Line has been out of service for more than two years, no commodities are transported on the Line and no changes in current operations or maintenance practices will result from the proposed action. Applicants have no plans to dispose of the structures on the Line, except as noted below in regard to a related Pennsylvania Utility Commission ("PUC") proceeding. Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line. The purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) the removal of the rail bridge at Milepost 2.92 that is the subject of a pending PUC bridge removal proceeding brought by the City of Philadelphia at Docket No. A-2008-2035163 and (ii) the sale of Milepost 2.70 to 2.92 to a private developer for commercial development. Milepost 0.00 to 2.70 was sold to the City of Philadelphia in 1978. Conrail retained operating rights over the segment but the operating agreement did not impose any obligation on Conrail to provide rail service. There have been no customers served off of this segment for over two years. A detailed map is attached as Exhibit "A".

2. Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: The Line is out of service and is not used for freight or passenger service. Consequently, the proposed abandonment will have no effect upon regional or local transportation systems and patterns and will cause no diversion of passengers or freight to other transportation systems or modes. In addition, Conrail received the letter attached hereto as Exhibit "B" from the Pennsylvania Department of Transportation ("PennDOT"), dated August 3, 2011, in response to Conrail's request for consultation from the Pennsylvania Office of the Governor. In its letter, PennDOT had no objections to the proposed abandonment. In addition, the Railroads for National Defense Program stated no objection to the proposed abandonment in its response to Conrail's request for consultation dated August 2, 2011, which is attached hereto as Exhibit "C".

3. Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.

Response:

- (i) Conrail is aware of no inconsistencies of the proposed action with existing land use plans. The Mayor of Philadelphia has been consulted in this regard. Applicants wrote to this agency on July 11, 2011, to request that he comment on the proposed abandonment. In its response on August 1, 2011, attached hereto as Exhibit "D", the Mayor's Office took no issue with Conrail's abandonment of the Line. There will be no remaining crossing over or under any City street following the removal of the aforementioned railroad bridge as ordered by the PUC. A portion of the abandoned line will be utilized for a commercial development which is supported by the City and the Philadelphia Authority for Industrial

Development. The National Geodetic Survey ("NGS") has also been consulted in this regard. Applicants wrote to this agency on July 11, 2011 to request that it comment on the proposed abandonment. Upon receipt of any response, Applicants will forward same to the Board.

- (ii) The United States Soil Conservation Service, now renamed the Natural Resources Conservation Service ("NRCS"), has been consulted in this regard. Applicants wrote to this agency on July 11, 2011 to request that it comment on the proposed abandonment. Upon receipt of any response, Applicants will forward same to the Board.
- (iii) The Pennsylvania Department of Environmental Protection ("PADEP") has been consulted in this regard. Applicants wrote to this agency on July 11, 2011, to request that it comment on the proposed abandonment. In its response on August 4, 2011, attached hereto as Exhibit "E", PADEP took no issue with Conrail's abandonment of the Line. In particular, there will be no earth disturbance activities connected with the proposed abandonment, except for the aforementioned railroad bridge removal under the exclusive jurisdiction of the PUC. See letter from PUC dated July 28, 2011, attached hereto as Exhibit "F". In any event, earth disturbance activities connected with the aforementioned bridge removal will involve just 0.16 acre, far less than the threshold for an NPDES Construction Permit, as mentioned in Exhibit "E." The Pennsylvania Coastal Zone Management Agency, has also been consulted in this regard. Applicants wrote to this agency on July 11, 2011, to request that it comment on the proposed abandonment. In its responses dated August 16, 2011, and dated August 22, 2011, attached hereto as Exhibit "G", the PADEP's Coastal Resources Management Program took no issue with Conrail's abandonment of the Line. Please be advised that the area between Milepost 0.00 and Interstate 95 was previously sold by Conrail to the City of Philadelphia in 1978.

(iv) See response to 3(i) above.

4. Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: Because the Line is out of service and has handled no local or overhead traffic during the last two years, the proposed abandonment will not affect transportation of energy resources or recyclable commodities, will not result in an increase or decrease in overall energy efficiency, and will cause no traffic diversion from rail to motor carriage.

5. Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: Because the Line is out of service and has handled no traffic within the past two years, the proposed abandonment will cause no increase or decrease in rail or motor carrier traffic and will have no impact upon air quality. The proposed action will not affect the transportation of ozone depleting material.

6. Noise. If any of the thresholds identified in 49 C.F.R §1105.7(5)(i) are surpassed, will the proposed action cause (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the affected area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Inapplicable because none of the thresholds identified in 49 C.F.R §1105.7(5)(i) is surpassed.

7. Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) Because the Line is out of service and has handled no traffic within the past two years, public health and safety will not be affected by the proposed action.

(ii) No hazardous materials will be transported as a result of the proposed abandonment.

(iii) Applicants are aware of no hazardous waste sites or hazardous materials spills on the right-of-way.

8. Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) Conrail is aware of no endangered species or area designated as a critical habitat likely to be adversely affected by the proposed abandonment. The United States Fish and Wildlife Service has been consulted in this regard. Applicants wrote to this agency on July 11, 2011 to request that it comment on the proposed abandonment.

In its response dated August 17, 2011, attached hereto as Exhibit "H", the United States Fish and Wildlife Service took no issue with Conrail's abandonment of the Line, specifically stating that "[n]o federally listed species under our jurisdiction is known or likely to occur in the project area." The National Park Service has also been consulted in this regard. Applicants wrote to this agency on July 11, 2011 to request that it comment on the proposed abandonment. Upon receipt of any response, Applicants will forward same to the Board.

(ii) Conrail is aware of no wildlife sanctuary or refuge or National or State park or forest likely to be adversely affected by the proposed abandonment. The United States Fish and Wildlife Service has been consulted in this regard. In its response dated August 17, 2011, attached hereto as Exhibit "H", the United States Fish and Wildlife Service took no issue with Conrail's abandonment of the Line. The National Park Service has also been consulted in this regard. Applicants wrote to this agency on July 11, 2011 to request that it comment on the proposed abandonment. Upon receipt of any response, Applicants will forward same to the Board.

9. Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State, or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required and whether any designated wetlands or 100-year flood plains will be affected for the proposed action. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

Response: (i) No in-stream salvage operations will be required, and Conrail is aware of no inconsistency of the proposed action with applicable federal, state, and local water quality standards. The Pennsylvania Department of Environmental Protection ("PADEP") has been consulted in this regard. Applicants wrote to this agency on July 11, 2011 to request that it comment on the proposed abandonment. In its response dated August 4, 2011, attached hereto as Exhibit "E", PADEP took no issue with Conrail's abandonment of the Line in regards to any matter applicable to this proposed abandonment.

(ii) Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line. No clearing, grading, or alteration of the topography will result from the abandonment. No dredging or discharge of dredge or fill materials into navigable waters will be involved, and therefore no permits will be required under Section 404 of the Clean Water Act (33 U.S.C. 1344). The proposed abandonment will have no effect upon designated wetlands or 100-year flood plains. The U.S. Army Corps of Engineers ("Corps") has been consulted in this regard. Applicants wrote to this agency on July 11, 2011 to request that it comment on the proposed abandonment. In its response dated July 26, 2011, attached hereto as Exhibit "T", the Corps took no issue with Conrail's abandonment of the Line.

(iii) The abandonment will not result in the discharge of any pollutant which would require a permit under Section 402 of the Clean Water Act (33 U.S.C. 1342). The question of permitting in Pennsylvania under Section 402 has been delegated to the PADEP. Applicants wrote to this agency on July 11, 2011 to request that it comment on the proposed abandonment. Upon receipt of any response in this regard, Applicants will forward same to the Board. The U.S. Environmental Protection Agency has also been consulted in this regard. Applicants wrote to this agency on July 11, 2011 to request that it comment on the proposed abandonment. Upon receipt of any response, Applicants will forward same to the Board.

10. Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: Inapplicable, in that there are no adverse environmental impacts.

11. Additional Information for Rail Construction.

Response: Not applicable as this is not a rail construction project.

HISTORIC

Pursuant to 49 C.F.R. § 1105.8, Conrail provides the following report on specified historic matters.

Proposed Action and Alternatives.

The proposed action and alternatives are described in Item 1 of the Environmental section of this report.

1. **Map.** Attach a U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Response: A map of the subject Line is attached as Exhibit "A".

2. **Description of Right-of-Way.** A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

Response: The right-of-way proposed for abandonment is located in the city of Philadelphia, Pennsylvania, traversing United States Postal Service Zip Codes 19123, 19122 and 19134. It extends from Milepost 0.00 to Milepost 2.98. The right-of-way varies throughout the Line. The right of way is 112 feet at its intersection with the south side of Allegheny Avenue, 92 feet on the north side of Allegheny Avenue and 68 feet at the northern end of the portion to be abandoned. The right of way is 117 feet at the intersection with Indiana Avenue and 120 feet wide on American Street. The topography of the surrounding area is flat. The Line is located in an urban residential/commercial/industrial area.

3. **Photographs.** Good quality photographs of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

Response: Photographs of the structures, as further described in response no. 4 below, are attached hereto as Exhibit "J".

4. **Construction Dates.** The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

Response: There are no railroad buildings along this Line. The Line contains two existing undergrade bridges that Conrail's records indicate are greater than 50 years old. Bridge 2.92 crossing Allegheny Avenue was built in 1901 and Bridge 2.80 crossing over Conrail's Richmond Industrial Track was built in 1946. Photographs of these structures are attached.

5. **Carrier Operations.** A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

Response: The Line was used for rail freight operations. However, the Line is out of service and has handled no traffic within the past two years. Accordingly, no change in operations is contemplated as a result of the proposed action.

6. **Summary of Documents.** A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that have been determined to be historic.

Response: There are no structures on the Line that have been determined to be historic.

7. **Opinion regarding historical matters.** An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4) and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultation with the State Historic Preservation Office, local historical societies or universities).

Response: Based on readily available information in its possession and the consultation described below, Applicants are of the opinion that the site of the Line and the railroad structures thereon do not meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and there is not a likelihood of archeological resources or any other previously unknown historic property on the Line. The basis for these opinions are the absence of any document in Conrail's possession indicating that the site or any structure meet historical criteria or that there is a likelihood that archeological resources or other previously unknown historic properties exist on the Line. The Pennsylvania State Historic Preservation Office has been consulted in this regard. Applicants wrote to this agency on July 11, 2011 to request that it comment on


the proposed abandonment. In its response dated August 2, 2011, attached hereto as Exhibit "K", the Pennsylvania State Historic Preservation Bureau took no issue with Conrail's abandonment of the Line.

8. Description of certain matters. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental condition (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy condition or the presence of toxic wastes), and the surrounding terrain.

Response: Based on readily available information in its possession, Conrail is aware of no prior subsurface ground disturbance or fill or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources. The Pennsylvania State Historic Preservation Office has been consulted in this regard. Applicants wrote to this agency on July 11, 2011 to request that it comment on the proposed abandonment. In its response dated August 2, 2011, attached hereto as Exhibit "K", the Pennsylvania State Historic Preservation Bureau took no issue with Conrail's abandonment of the Line.

CERTIFICATION

Pursuant to the requirements of 49 C.F.R. §§ 1105.7(c) and 1105.8(c), the undersigned certifies that a copy of the Environmental and Historic Report was mailed, via U.S. Mail, First Class, Postage Pre-paid, from Harrisburg, Pennsylvania to the agencies listed on the attached Service List and within the time period specified in 49 C.F.R. §§ 1105.7(b) and 1105.8(c). The undersigned also certifies that he has consulted with all appropriate agencies in preparing the Environmental and Historic Report.


Benjamin C. Dunlap, Jr., Esquire

Date: October 13, 2011

End Milepost 2.98

BERKS STREET I.T.
LINE CODE 0301

U.G. 2.80

Begin Milepost 2.70

OPERATING RIGHTS AREA

U.G. 2.92

ALLEGHENY AVE.

INDIANA AVE.

AMTRAK

RICHMOND

TRACKS
REMOVED

Milepost 0.00

ANTICIPATED LINE ABANDONMENT
BERKS STREET I.T.

..... Anticipated abandonment
..... Operating rights area

EXHIBIT "A" 1 of 2

PHILADELPHIA, PA. - N.J.

39075-H2-TF-024

1987
PHOTOREVISED 1983
DMA 2264 I, NW - SERIES Y83

GERMANTOWN, PA.

40075-A2-TF-024

1987
PHOTOREVISED 1983
DMA 2264 II, NW - SERIES Y83

SCALE 1:24000

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

EXHIBIT

A

4428000m

40406

4427

250 00C
(PA.)

4426

5 MI. TO U.S. 13

4425

BETSY ROSS BRIDGE 2 MI.
TRENTON, N.J. 30 MI.

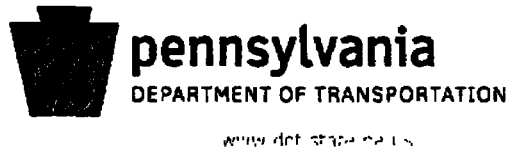
4424

4423

57'30"

30 MI.
52 MI.

AUG 11 2011



August 3, 2011

Mr. Benjamin C. Dunlap, Jr.
Nauman Smith Shissler & Hall, LLC
200 North 3rd Street, 18th Floor
Harrisburg, PA 17101

Re: Consolidated Rail Corporation Request for
Consultation Regarding Railroad Line
Abandonment in Philadelphia (STB No. AB 167
(Sub-No. 1191X))

Dear Mr. Dunlap:

The Commonwealth of Pennsylvania Office of the Governor forwarded to the Pennsylvania Department of Transportation's (PennDOT) Bureau of Rail Freight, Ports and Waterways, for our handling, your letter of July 11, 2011. In that letter, you requested comments regarding Consolidated Rail Corporation's (Conrail) proposal to abandon an out-of-service section of its Berks Street Industrial Track (FRA Line Code 10 0301) from Milepost 0.00 to Milepost 2.98 in Philadelphia, PA.

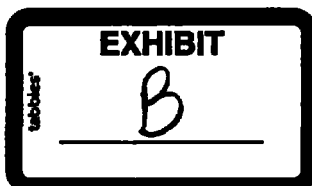
Your letter and attached copies of a U.S.G.S. map of the area of the subject track was forwarded to PennDOT Engineering District 6-0, which has jurisdiction for the area in which the line of railroad being proposed for abandonment is situated. In addition, the proposed abandonment was also reviewed by PennDOT's Bureau of Design (Environmental Quality Assurance Division and Design Services Division), Bureau of Highway Safety and Traffic Engineering, Center for Program Development and Management, and Local and Area Transportation Deputate. Based on those reviews, PennDOT has no comments on the subject rail line abandonment proposal.

Should you have any questions or if we may be of any further assistance to you regarding this matter, please contact Tom Stettler of my staff at (717) 772-2637 or e-mail tstettler@state.pa.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah L. Gulick".

Sarah L. Gulick, Director
Bureau of Rail Freight, Ports & Waterways



27

8200/SLG/th

cc: Governor's Correspondence Office

Gary C. Fawver

Lester Toaso

Brian D. Hare

Daryl R. St. Clair

Larry S. Shifflet

Toby L. Fauver

Gina M. D'Alfonso

S:\Bureau of Rail Freight\Planning\Staff Folders\Tom\STB Abandonment&Sale
Notices\Comments for Environmental Reports\Conrail Berks Street Industrial Track
Abandonment Request for Comments Reply STB 167 Sub No 1191X.docx

28

From: "Dorfman, David Mr CIV USA SDDC" <David.Dorfman1@us.army.mil>
To: <bdunlapjr@nssh.com>
Date: 8/2/2011 3:02 PM
Subject: Proposed Abandonment of the Berks Street Industrial Track (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Mr. Dunlap:

In regard to your letter of July 21, 2011, the Berks Street Industrial Track is not needed for moving military cargo by rail. Therefore, the Railroads for National Defense Program does not plan to oppose or file comments concerning proposed abandonment AB 167 (Sub No. 1191X).

Yours truly,

David Dorfman, P.E.
Senior Engineer
Railroads for National Defense Program
SDDC Transportation Engineering Agency
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006
Phone: 618-220-5741
email: david.dorfman1@us.army.mil

Classification: UNCLASSIFIED
Caveats: NONE



AUG 04 2011



CITY OF PHILADELPHIA

1401 John F. Kennedy Blvd.
Municipal Services Building
Suite 1430
Philadelphia, PA 19102-1683

RINA CUTLER
Deputy Mayor for Transportation and Utilities

August 1, 2011

Mr. Benjamin C. Dunlap, Jr.
Nauman Smith Attorneys at Law
P.O. Box 840
Harrisburg, PA 17108-0840

Dear Mr. Dunlap:

We are in receipt of your July 11, 2011 letter concerning the abandonment of railroad lines in the area referred to as the "Berks Street Industrial Track". To support your request, the City of Philadelphia will require:

1. Deed(s) for the parcel(s) shall be recorded with the Records Department.
2. Where the railroad crosses under a City street, the abutting land including slope easement shall be dedicated to the City easements so that we can maintain our bridge structures.
3. Where the railroad crosses over City streets, the superstructures and appurtenances shall be removed.
4. Railroad ties and ballast shall be removed and the area cleaned of debris, trash and overgrowth.

Please submit a detailed map showing the exact location of the abandoned area to my office. We look forward to working out the details of this transaction through the Public Utilities Commission process.

Sincerely,

A handwritten signature in black ink that reads "Rina Cutler".

Rina Cutler
Deputy Mayor
Transportation and Utilities

RC/dd



30

Benjamin Dunlap - Request for Consultation Regarding Railroad Line Abandonment in Phila. (Conrail)

From: "Rocco, Domenic" <drocco@pa.gov>
To: "bdunlapjr@nssh.com" <bdunlapjr@nssh.com>
Date: 8/4/2011 9:14 AM
Subject: Request for Consultation Regarding Railroad Line Abandonment in Phila. (Conrail)
CC: "Newbold, James" <jnewbold@pa.gov>

Mr. Dunlap,

This is in response to your July 11, 2011 letter addressed to Mr. Joseph Feola, Regional Director, regarding the subject matter.

Regarding the extent of regulatory jurisdiction for proposed abandonment activities, we did not receive sufficient information to make a determination. In general, earth disturbance activities that exceed one acre in total would require coverage under an NPDES Construction Permit. One of the categories of activities that is excluded from this computation is "road maintenance activities" (including earth disturbance from within both within existing road cross section or existing railroad right-of-way) which is defined in Title 25, Chapter 102 – related to Erosion and Sediment Control. For more info on the definitions in Chapter 102, go to: <http://www.pacode.com/secure/data/025/chapter102/s102.1.html>.

If you wish to receive a more definitive response, we would need a computation of all anticipated earth disturbance activities (in acres) associated with the project which would include incidental work for access and staging areas. As previously mentioned, we would also need to know what portion of this work could be considered road maintenance.

If you have any questions, my contact information is provided below.

Domenic Rocco, P.E. | Chief, Stormwater Section
 Department of Environmental Protection
 Southeast Regional Office
 2 East Main Street | Norristown, PA 19401
 Phone: 484-250-5174 | Fax: 484-250-5971
www.depweb.state.pa.us

*Notice: On **Friday, July 29th**, the commonwealth will be adding @pa.gov as the primary email domain for all state employees. For example: jsmith@state.pa.us will now be jsmith@pa.gov. The email addresses ending in @state.pa.us will continue to function so that emails will never be interrupted. We appreciate your cooperation as we take a small step to increase the usability and consistency of the commonwealth's online communications.*





COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

AUG 15 2011

IN REPLY PLEASE
REFER TO OUR FILE

July 28, 2011

Benjamin C. Dunlap, Jr., Esq.
Nauman Smith Shissler & Hall, LLP
220 North 3rd Street, 18th Floor
Harrisburg, PA 17101

Dear Mr. Dunlap,

I am writing in response to your letter dated July 11, 2011, wherein you requested a consultation with Chairman Powelson regarding abandonment of a railroad line in Philadelphia. The Commission recognizes that your letter serves as notice of the application to abandon the Berks Street Industrial Track, pursuant to the notification requirement of 49 U.S.C.A. § 10903.

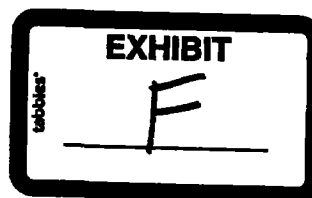
In your letter, you state that "[t]he purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) removal of the rail bridge at Milepost 2.92 that is the subject of a pending Pennsylvania Public Utility Commission bridge removal proceeding brought by the City of Philadelphia..." The Commission's position is that these two proceedings can progress simultaneously because the Commission has exclusive jurisdiction over rail crossings in this Commonwealth. Furthermore, because this matter relates to a pending bridge removal proceeding at docket number A-2008-2035163, a copy of your letter and attachments are being provided to the assigned Administrative Law Judge so that she may take judicial notice if she believes that these documents are relevant to the Commission's pending proceeding.

I hope that this reply has adequately addressed your concerns. Please be advised, however, that the opinion contained in this letter is provided to you only as a courtesy and is not binding upon the Pennsylvania Public Utility Commission. See 52 Pa. Code § 1.96. Furthermore, the opinions expressed herein are strictly limited to the facts and circumstances as described in your letter dated July 11, 2011.

Sincerely,

Heidi L. Wushinske
Assistant Counsel

cc: Robert F. Powelson, Chairman
Eric A. Rohrbaugh, Deputy Chief Counsel



32

Benjamin Dunlap - RE: Railroad Abandonment in Philadelphia

From: "Walderon, Matthew D" <mwalderon@pa.gov>
To: "bdunlapjr@nssh.com" <bdunlapjr@nssh.com>
Date: 8/16/2011 2:38 PM
Subject: RE: Railroad Abandonment in Philadelphia
CC: "Brown, Randall T" <rabrown@pa.gov>

Dear Mr. Dunlap,

I have reviewed the information contained in the letter dated July 11, 2011 regarding the proposed Berks Street Industrial Track railway abandonment between Mileposts 0.00 and 2.98. Of the section of railway identified in the proposal, **only the portion between Milepost 0.00 and Interstate 95 lies within Pennsylvania's Coastal Zone**. That section of abandonment is subject to our Federal Consistency Review under 15 CFR Part 930 Subpart D.

I have referred the project to Randy Brown at our Southeast Regional Office for comment. The Regional Office may request, if needed, a copy of the completed Federal license or permit application for review under 15 CFR Part 930.58.

PA DEP is allowed six months to review projects for Federal Consistency under 15 CFR Part 930.62 – 930.63. Typical consistency reviews do not take that long. Either Randy (copied on this message) or myself will be in contact with you shortly if we have any questions or concerns, or if we require additional information.

Regards,

Matt Walderon | Coastal Resources Specialist
Department of Environmental Protection
2nd Floor Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.2196 | Fax: 717.783.4690
www.depweb.state.pa.us

*Notice: On **Friday, July 29th**, the commonwealth will be adding @pa.gov as the primary email domain for all state employees. For example: mwalderon@state.pa.us will now be mwalderon@pa.gov. The email addresses ending in @state.pa.us will continue to function so that emails will never be interrupted. We appreciate your cooperation as we take a small step to increase the usability and consistency of the commonwealth's online communications.*



AUG 29 2011



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

August 22, 2011

Mr. Benjamin Dunlap, Jr.
Nauman Smith
P.O. Box 840
Harrisburg, PA 17108-0840

Re: Railroad Line Abandonment
CRM Consistency Determination
City and County of Philadelphia

Dear Mr. Dunlap:

The Pennsylvania Coastal Resources Management (CRM) Program has reviewed the information received in this office proposing the removal of a Consolidated Rail Corporation (Conrail) out-of-service railroad line. The project is located in the City and County of Philadelphia.

Under the Federal Coastal Zone Management Act of 1972, as amended, and regulations at 15 CFR Part 930, Subpart C – Consistency for Federal Agency Activities & Development Projects, this proposed project is subject to CRM's consistency review. We have determined that the aforementioned project is consistent with Pennsylvania's CRM Program.

Please note that this determination pertains only to the federal consistency review requirements under the Federal Coastal Zone Management Act of 1972, as amended, and does not constitute a waiver from further Department of Environmental Protection's review or other Departmental permits.

Please feel free to contact me at 484.250.5163 if you have any questions.

Sincerely,

Randall Brown

Randall T. Brown
Federal Consistency Coordinator
Coastal Resources Management Program

cc: ACOE, Philadelphia
Ms. Nucci
Mr. Obleski (CRMP – RCSOB, 2nd Floor)
Mr. Walderon (CRMP – RCSOB, 2nd Floor)
Re 30 (dh11wq)234-3

34

201-104

140th anniversary
Nauman Smith
 Attorneys

Please Reply to:
 P. O. Box 840
 Harrisburg, PA 17108-0840



U.S. FISH AND WILDLIFE SERVICE

Pennsylvania Field Office
 315 South Allen Street, Suite 322
 State College, Pennsylvania 16801-4850



No federally listed species under our jurisdiction is known or likely to occur in the project area. This determination is valid for two years. Should project plans change, or if additional information on listed species become available, this determination may be reconsidered.

[Signature], Supervisor 8/17/11

July 11, 2011

U.S. Fish and Wildlife Service
 Pennsylvania Field Office
 315 South Allen Street, Suite 322
 State College, PA 16801



In re: Request for Consultation Regarding Railroad Line Abandonment in Philadelphia

Dear Sir/Madam:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). This application will be docketed as STB No. AB 167 (Sub-No. 1191X). The Line is not connected on either end to any active track. The balance of the Berks Street Industrial Track was legally abandoned years ago: Milepost 2.98 to Milepost 3.40 in STB No. AB 167 (Sub-No. 1183X) and Milepost 3.40 to Milepost 4.20 in STB No. AB 167 (Sub-No. 1015). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines. These applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 290 (Sub-No. 552X (NS)). This letter will serve as the consultation notice with respect to each of these three filings.

The purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) the removal of the rail bridge at Milepost 2.92 that is the subject of a pending Pennsylvania Public Utility Commission bridge removal proceeding brought by the City of Philadelphia and (ii) the sale of Milepost 2.70 to 2.92 to a private developer for commercial development. Milepost 0.00 to 2.70 was sold to the City of Philadelphia in 1978. Conrail retained operating rights over the segment but the operating agreement did not impose any obligation on Conrail to provide rail service. There have been no customers served off of this segment for over two years.

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Benjamin Dunlap - Railroad line abandonment in Philadelphia (UNCLASSIFIED)

From: "Bonner, Edward E NAP" <Edward.E.Bonner@usace.army.mil>
To: <bdunlapjr@nssh.com>
Date: 7/26/2011 1:45 PM
Subject: Railroad line abandonment in Philadelphia (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Mr. Dunlap,

This message responds to your inquiry of July 11, 2011 concerning the proposal to abandon a section of railroad line known as the Berks Street Industrial Track, Line Code 10 0301, from milepost 0.00 to 2.98. Under current Federal regulations, a Department of the Army approval is required for work or structures in navigable waters of the United States or the discharge of dredged or fill material into waters of the United States including their adjacent wetlands. Based upon the description of the abandonment in your letter, it does not appear that the proposal would involve any regulated activities. While we do not maintain detailed floodplain, stream or wetland maps, the project area does not appear to contain any of these resource areas. If you should have any further questions, I have provided my phone and email address below.

Ed Bonner

215-656-5932

Edward.e.bonner@usace.army.mil

*U. S. Army
Corp. of
Engineers*

Classification: UNCLASSIFIED

Caveats: NONE

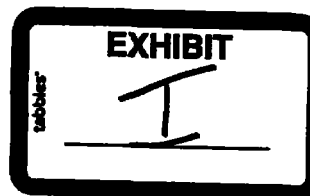


Exhibit “J”

1 of 5 U.G. Bridge H.P. 2.92 Allegheny Avenue

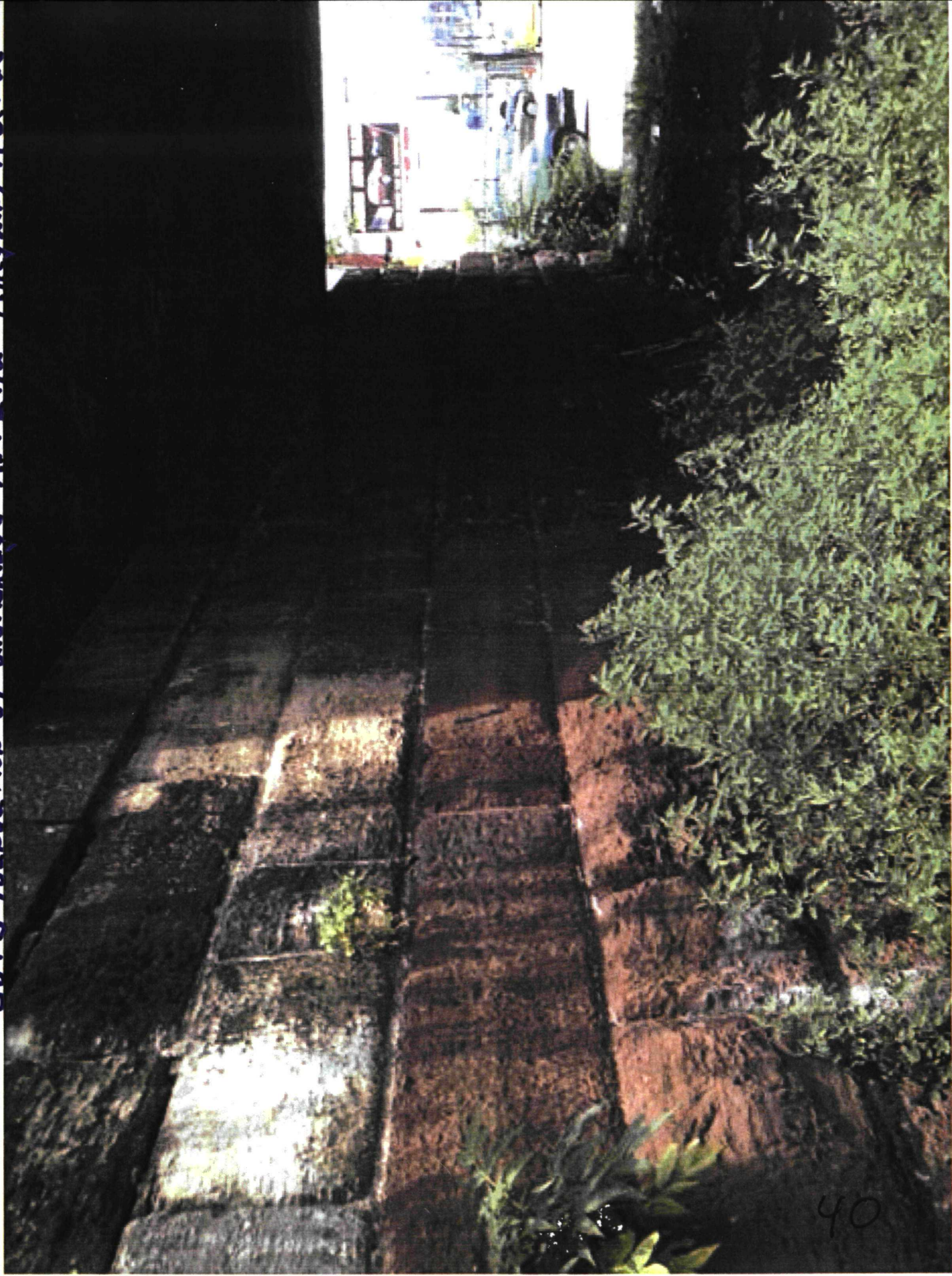


38

2 of 5 U.C. Bridge Allegheny Avenue H.P. 292



30+5 Foundation of U.S. Bridge No. 2.92 Allegany Avenue



4045 U.S. Bridge N.A. 2.80 Richmond IT



5045 Overhead view U.S. Bridge N. A. 380 over Richwood I.T.



42

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB NO. AB 167 (SUB-NO. 1191X)

CONSOLIDATED RAIL CORPORATION -- ABANDONMENT EXEMPTION -- IN
PHILADELPHIA, PENNSYLVANIA

STB NO. AB 55 (SUB-NO. 710X)

CSX TRANSPORTATION, INC. -- DISCONTINUANCE EXEMPTION -- IN
PHILADELPHIA, PENNSYLVANIA

STB NO. AB 290 (SUB-NO. 552X)

NORFOLK SOUTHERN RAILWAY COMPANY -- DISCONTINUANCE EXEMPTION -- IN
PHILADELPHIA, PENNSYLVANIA

NOTICES OF EXEMPTION

**ADDENDUM TO THE ENVIRONMENTAL
AND HISTORIC REPORT**

Consolidated Rail Corporation ("Conrail"), CSX Transportation, Inc. ("CSXT"), and Norfolk Southern Railway Company ("NS") (collectively, "Applicants") have submitted a separate Environmental and Historic Report ("Report") in accordance with 49 C.F.R. §§ 1105.7 & 1105.8. Applicants have fulfilled the requirements of sections 1105.7 and 1105.8 that they consult specified public agencies by sending letters to such agencies and requesting comments on the effect of this action on the environment and on matters of historic preservation concern. Copies of the letters and all responses Applicants received to the date of the Report are attached

to the Report. An additional comment subsequently received is addressed in Addendum to the Report.

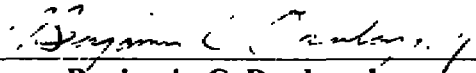
In regard to Section 3 of the Environmental Report, the Pennsylvania Department of Environmental Protection ("PADEP") was consulted. Applicants wrote to this agency on July 11, 2011, to request that it comment on the proposed abandonment. In its response on August 4, 2011, attached to the Report as Exhibit "E", the PADEP Stormwater Section took no issue with Conrail's abandonment of the Line. In particular, there will be no earth disturbance activities connected with the proposed abandonment, except for the railroad bridge removal discussed in the Report, which is under the exclusive jurisdiction of the PUC. See letter from PUC dated July 28, 2011, attached to the Report as Exhibit "F".

In response to the statement in the Report mailed on May 13, 2011, pursuant to the provisions of 49 C.F.R. § 1105.7(b), that "earth disturbance activities connected with the aforementioned bridge removal will involve just 0.16 acre, far less than the threshold for an NPDES Construction Permit", as mentioned in the aforementioned Exhibit "E" to the Report, the PADEP Stormwater Section responded on November 9, 2011, that while an NPDES construction permit would not be required (except possibly in connection with the subsequent commercial development of a portion of the Line by a third party purchaser), a written erosion and sediment control plan would be required pursuant to 25 Pa Code § 102.4(b) if the earth disturbance was more than 5,000 square feet. See Exhibit "A" attached hereto. Upon subsequent investigation, it was learned that while the entire project area for the bridge removal connected with the line abandonment would involve 6,970 square feet, the actual area of earth disturbance would be very much less. The majority of the project area involves removal of the steel span railroad bridge. The abutments will remain in place and the only actual earth disturbance will be the placement of

poles for fencing at the abutments. Applicants responded to the PADEP Stormwater Section in the December 28, 2011, e-mail attached hereto as Exhibit "B".

Respectfully submitted,

NAUMAN, SMITH, SHISSLER & HALL, LLP



Benjamin C. Dunlap, Jr.
Supreme Court ID #66283

200 North Third Street, 18th Floor
P.O. Box 840
Harrisburg, PA 17108-0840
Telephone: (717) 236-3010
Facsimile: (717) 234-1925

Date: December 28, 2011

Benjamin Dunlap - Railroad Line Abandonment in Phila. (Conrail) STB No. AB 167, 55, and 290

From: "Rocco, Domenic" <drocco@pa.gov>
To: "bdunlapjr@nssh.com" <bdunlapjr@nssh.com>
Date: 11/9/2011 11:53 AM
Subject: Railroad Line Abandonment in Phila. (Conrail) STB No. AB 167, 55, and 290
CC: "Smith, Christopher" <christopsm@pa.gov>

Mr. Dunlap,

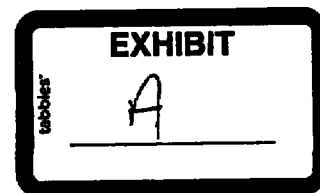
We are in receipt of your document dated October 13, 2011 regarding the above project.

It was stated in your document [3(i)] that "A portion of the abandoned line will be utilized for a commercial development..." Please note that the commercial development will need an NPDES Construction Permit if the earth disturbance associated with the commercial development is 1 acre or more.

It was also stated in your document [3(iii)] that "...earth disturbance activities connected with the aforementioned bridge removal will involve just 0.16 acre [6,970 square feet], far less than the threshold for an NPDES Construction Permit, ..." It is understood that this will be the only earth disturbance associated with the project. However, please note that per Title 25 PA Code Section 102.4(b), a person proposing earth disturbance activities shall develop and implement a written E&S Plan under Chapter 102 if the earth disturbance activity will result in a total earth disturbance of 5,000 square feet or more. And per the same PA Code title and section, "Upon complaint or site inspection, the Department or conservation district may require that the E&S Plan be submitted for review and approval to ensure compliance with this chapter." In addition, the Philadelphia Water Department, Stormwater Plan Review Group may want to review the plan as well.

If you have any questions, my contact information is provided below.

Domenic Rocco, P.E. | Chief, Stormwater Section
Department of Environmental Protection
Southeast Regional Office
2 East Main Street | Norristown, PA 19401
Phone: 484-250-5174 | Fax: 484-250-5971
www.depweb.state.pa.us



46

Benjamin Dunlap - Re: Railroad Line Abandonment in Phila. (Conrail) STB No. AB 167, 55, and 290

From: Benjamin Dunlap
To: Domenic Rocco
Date: 12/28/2011 2:39 PM
Subject: Re: Railroad Line Abandonment in Phila. (Conrail) STB No. AB 167, 55, and 290
CC: Christopher Smith

Mr. Rocco,

Thank you for your November 9 e-mail below. Regarding the area of earth disturbance in the second paragraph, upon further investigation it was discovered that while the entire project area will be 0.16 acres, the area of actual earth disturbance will be far less. Most of the project area involves the removal of a steel span railroad bridge, with the abutments being left in place. The only area of actual earth disturbance will be for the placement of poles for fencing at the abutments.

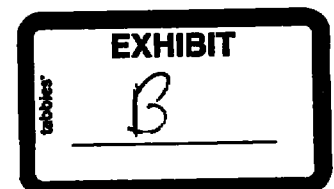
Regarding the potential need for an NPDES construction permit in connection with the commercial development, any such construction will be carried out by the purchaser of the property post-conveyance. Therefore, any responsibilities in that regard will be those of the developer and not our client.

I apologize for the delay in responding to you. I did not realize I had not done so until finalizing our Notice of Exemption filing. Please let me know if you have any further questions or concerns.

Thank you,

Benjamin C. Dunlap, Jr., Esquire
Nauman, Smith, Shissler & Hall, LLP
200 North Third Street, 18th Floor
P. O. Box 840
Harrisburg, PA 17108-0840
Phone: 717-236-3010, Ext. 21
Fax 717-234-1925
email: bdunlapjr@nssh.com
www.nssh.com

10th Anniversary
Nauman Smith
Shissler & Hall, LLP



IRS Circular 230 requires Nauman, Smith Shissler & Hall, LLP to notify you that any tax advice in this electronic message was not intended or written to be used, and cannot be used, for the purpose of avoiding penalties. *If you want an opinion for that purpose, ask the sender for a formal opinion letter which meets the requirements of the IRS Circular.*

47.

*****CONFIDENTIALITY NOTE*****

The information, documents and any and all data accompanying this transmission contain information from the law office of Nauman, Smith, Shissler & Hall, LLP which may be confidential and/or legally privileged. If you have received this e-mail in error, please notify the sender immediately and delete it. The information is intended solely for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is prohibited.

>>> "Rocco, Domenic" <drocco@pa.gov> 11/9/2011 11:52 AM >>>
Mr. Dunlap,

We are in receipt of your document dated October 13, 2011 regarding the above project.

It was stated in your document [3(i)] that "A portion of the abandoned line will be utilized for a commercial development..." Please note that the commercial development will need an NPDES Construction Permit if the earth disturbance associated with the commercial development is 1 acre or more.

It was also stated in your document [3(iii)] that "...earth disturbance activities connected with the aforementioned bridge removal will involve just 0.16 acre [6,970 square feet], far less than the threshold for an NPDES Construction Permit, ..." It is understood that this will be the only earth disturbance associated with the project. However, please note that per Title 25 PA Code Section 102.4(b), a person proposing earth disturbance activities shall develop and implement a written E&S Plan under Chapter 102 if the earth disturbance activity will result in a total earth disturbance of 5,000 square feet or more. And per the same PA Code title and section, "Upon complaint or site inspection, the Department or conservation district may require that the E&S Plan be submitted for review and approval to ensure compliance with this chapter." In addition, the Philadelphia Water Department, Stormwater Plan Review Group may want to review the plan as well.

If you have any questions, my contact information is provided below.

Domenic Rocco, P.E. | Chief, Stormwater Section
Department of Environmental Protection
Southeast Regional Office
2 East Main Street | Norristown, PA 19401
Phone: 484-250-5174 | Fax: 484-250-5971
www.depweb.state.pa.us

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Please Reply to:

P. O. Box 840

Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.

E-mail: bdunlapir@nssh.com

(717) 236-3010, Ext. 21

October 13, 2011

To: All Parties on Attached Service List

RE: STB No. AB 167 (Sub-No. 1191X)
Consolidated Rail Corporation -- Abandonment
Exemption -- in Philadelphia, Pennsylvania

STB No. AB 55 (Sub-No. 710X)
CSX Transportation, Inc. -- Discontinuance
Exemption -- in Philadelphia, Pennsylvania

STB No. AB 290 (Sub-No. 552X)
Norfolk Southern Railway Company -- Discontinuance
Exemption -- in Philadelphia, Pennsylvania

On or after November 15, 2011, Consolidated Rail Corporation ("Conrail"), CSX Transportation, Inc. ("CSXT"), and Norfolk Southern Railway Company ("NS") expect to be filing with the Surface Transportation Board ("STB" or "Board") combined Notices of Exemption for abandonment (Conrail) and discontinuance of service (CSXT and NS) seeking authority to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70.

Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as two maps of the affected area. Conrail is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone number (202) 245-0245 and refer to the above Docket No. AB 167 (Sub-No. 1191X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to Conrail's representative named below) would be appreciated within three weeks.

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Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact Conrail's representative directly. Conrail's representative in this matter is Benjamin C. Dunlap, Jr., who may be contacted by telephone at (717) 236-3010, Ext. 21 or by mail at P.O. Box 840, Harrisburg, PA 17108-0840 or by e-mail at bdunlapjr@nssh.com.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin C. Dunlap, Jr.".

Benjamin C. Dunlap, Jr.

Enclosures

SERVICE LIST

<p>Victoria Rutson Office of Environmental Analysis Surface Transportation Board 395 E Street, SW Washington, DC 20423</p>	<p>U.S. Department of the Interior National Park Service Recreation Resources Assistance Division 1201 Eye Street, NW, 9th Floor (Org Code 2240) Washington, DC 20005</p>
<p>Sarah L. Gulick, Director Bureau of Rail Freight, Ports & Waterways Pennsylvania Department of Transportation P.O. Box 2777 Harrisburg, PA 17105-2777</p>	<p>Heidi L. Wushinske, Assistant Counsel Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265</p>
<p>Ed Bonner U.S. Army Engineer District, Philadelphia The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390</p>	<p>David Dorfman, P.E. Railroads for National Defense Program SDDC Transportation Engineering Agency 1 Soldier Way, Building 1900W Scott AFB, IL 62225-5006</p>
<p>U.S. Fish & Wildlife Service Pennsylvania Field Office 315 South Allen Street Suite 322 State College, PA 16801</p>	<p>U.S. Railroad Retirement Board Nix Federal Building 900 Market Street, Room 301 P.O. Box 327 Philadelphia, PA 19105-0327</p>
<p>U.S. Environmental Protection Agency Region 3 1650 Arch Street Philadelphia, PA 19103-2029</p>	<p>Tom Tidwell, Chief U.S. Forest Service 1400 Independence Avenue, SW Washington, D.C. 20250-0003</p>
<p>Rina Cutler Deputy Mayor for Transportation and Utilities 1401 John F. Kennedy Blvd Municipal Services Building Suite 1430 Philadelphia, PA 19102-1683</p>	<p>Michael Krancer, Secretary Pennsylvania Department of Environmental Protection 909 Elmerton Avenue Harrisburg, PA 17110</p>

<p>Simon Monroe Spatial Reference System Division National Geodetic Survey 1315 East-West Highway Silver Spring, MD 20910-3282</p>	<p>Domenic Rocco, P.E. Chief, Stormwater Section Pennsylvania Department of Environmental Protection Southeast Regional Office 2 East Main Street Norristown, PA 19401</p>
<p>Dennis Reidenbach, Regional Director National Park Service U.S. Custom House 200 Chestnut Street, 5th Floor Philadelphia, PA 19106</p>	<p>Carolyn Wallis, Natural Resources Program Supervisor Department of Conservation and Natural Resources Bureau of Recreation and Conservation - Southeast Region 801 Market Street Suite 6020 Philadelphia, PA 19107-3158</p>
<p>Federal Railroad Administration Region 2 Baldwin Tower, Suite 660 1510 Chester Pike Crum Lynne, PA 19022</p>	<p>Matt Walderon, Coastal Resources Specialist Pennsylvania Department of Conservation and Natural Resources 400 Market Street 6th Floor, Rachel Carson State Office Building P.O. Box 8475 Harrisburg, PA 17105-8451</p>
<p>Douglas C. McLearn, Chief Division of Archaeology & Protection Pennsylvania Historical & Museum Commission State Historic Preservation Office Commonwealth Keystone Building 400 North Street, Second Floor Harrisburg, PA 17120-0093</p>	<p>Randall T. Brown, Federal Consistency Coordinator Coastal Resources Management Program Pennsylvania Coastal Zone Management Agency Southeast Regional Office 2 East Main Street Norristown, PA 19401</p>
<p>Denise Coleman, State Conservationist Pennsylvania Natural Resources Conservation Service One Credit Union Plaza Suite 340 Harrisburg, PA 17110-2993</p>	<p>U.S. Department of Agriculture Natural Resources Conservation Service P.O. Box 2890 Washington, D.C. 20013</p>

The Pennsylvania State University
Cooperative Extension Service-
Philadelphia County
College of Agricultural Sciences
111 N. 49th Street
Suite KN3-100
3rd Floor North
Philadelphia, PA 19139

The Pennsylvania State University
Cooperative Extension
College of Agricultural Sciences
201 Agricultural
Administration Building
University Park, PA 16802

140th anniversary
Nauman Smith
Attorneys At Law

Please Reply to:

P.O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

October 13, 2011

Sarah L. Gulick, Director
Bureau of Rail Freight, Ports & Waterways
Pennsylvania Department of Transportation
P.O. Box 2777
Harrisburg, PA 17105-2777

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1201 Eye Street, NW, 9th Floor (Org Code
2240)
Washington, D.C. 20005

Tom Tidwell, Chief
U.S. Forest Service
1400 Independence Avenue, N.W.
Washington, D.C. 20250-0003

David Dorfman, P.E.
Railroads for National Defense Program
SDDC Transportation Engineering Agency
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

Heidi L. Wushinske, Assistant Counsel
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

U.S. Department of the Interior
National Park Service
Chief, Land Resources Division
1849 C Street, N.W. - Room 3120
Washington, DC 20240

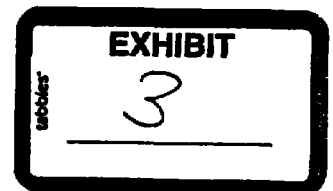
RE: Docket No. AB 167 (Sub-No. 1191X)
Consolidated Rail Corporation -- Abandonment
Exemption -- in Philadelphia, Pennsylvania

Docket No. AB 55 (Sub-No. 710X)
CSX Transportation, Inc. -- Discontinuance
Exemption -- in Philadelphia, Pennsylvania

Docket No. AB 290 (Sub-No. 552X)
Norfolk Southern Railway Company -- Discontinuance
Exemption -- in Philadelphia, Pennsylvania

Dear Sir/Madam:

This is to notify you pursuant to 49 C.F.R. 1152.50(d)(1) that on or after November 15, 2011, Consolidated Rail Corporation ("Conrail"), CSX Transportation, Inc. ("CSXT"), and Norfolk Southern Railway Company ("NS") intend to file combined Notices of Exemption with the Surface



Transportation Board for abandonment (Conrail) and discontinuance of service (CSXT and NS) of the rail line shown on the enclosed maps, and more fully described below:

Name: Berks Street Industrial Track

Location: Philadelphia, Pennsylvania, traversing United States Postal Service Zip Codes 19123, 19122 and 19134.

Description of Track: From approximately milepost 0.00± to approximately milepost 2.98± in the city of Philadelphia, Pennsylvania.

Length of Track: 2.98 total miles±

The Notices of Exemption will be filed pursuant to the provisions of 49 C.F.R. 1152.50 regarding abandonment of out-of-service lines of railroad. Because the subject line is out of service and has handled no traffic for the past two years, the abandonment will result in no change in current operations or maintenance. The purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) the removal of the rail bridge at Milepost 2.92 that is the subject of a pending Pennsylvania Public Utility Commission bridge removal proceeding brought by the City of Philadelphia and (ii) the sale of Milepost 2.70 to 2.92 to a private developer for commercial development. Milepost 0.00 to 2.70 was sold to the City of Philadelphia in 1978. Conrail retained operating rights over the segment but the operating agreement did not impose any obligation on Conrail to provide rail service. There have been no customers served off of this segment for over two years. The only alternative considered is no action.

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any questions concerning this proceeding, please contact me.

Very truly yours,



Benjamin C. Dunlap, Jr.

Enclosures

cc: Anne K. Quinlan, Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Dennis Reidenbach, Regional Director
National Park Service – Northeast Region
U. S. Custom House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

End Milepost 2.98

ANTHAK
RICHMOND

U.G. 2.92

BERKS STREET I.T.
LINE CODE 0301

ALLEGHENY AVE

U.G. 2.80

INDIANA AVE

Begin Milepost 2.70

OPERATING RIGHTS AREA

250 000
(PA.)

5 MI. TO U.S. 13

425

ACTIVELY ABANDONED 4 MI.
TOWARD N. J.

421

423

57°30"

1/2 TO U.S. 130
ATTC CITY 68 MI.

ANTICIPATED LINE ABANDONMENT
BERKS STREET I.T.

- Anticipated abandonment
- Operating rights area

EXHIBIT "A" 1 of 2

PHILADELPHIA PA - N.J.

BERMANTOWN PA

PHOTOGRAPHED 1988
BY [illegible]

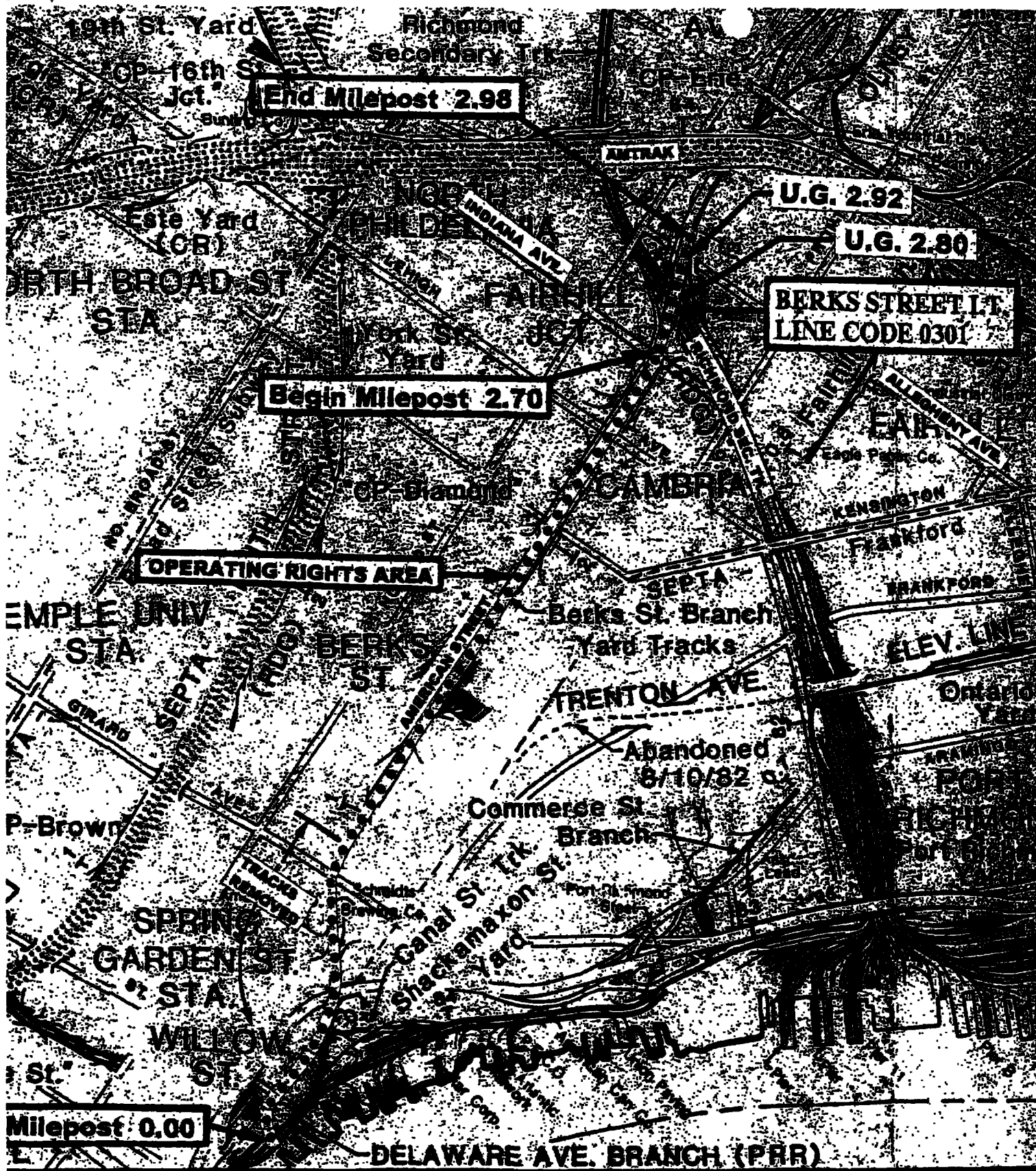
PHOTOGRAPHED 1988
BY [illegible]

Milepost 0.00

SCALE 1:24000



56



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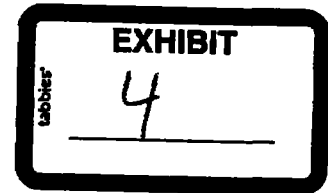


Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

Dennis Reidenbach
Regional Director
National Park Service
U.S. Custom House
200 Chestnut St., 5th Floor
Philadelphia, PA 19106



In re: Request for Consultation Regarding Railroad Line Abandonment in Philadelphia

Dear Mr. Reidenbach:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). This application will be docketed as STB No. AB 167 (Sub-No. 1191X). The Line is not connected on either end to any active track. The balance of the Berks Street Industrial Track was legally abandoned years ago: Milepost 2.98 to Milepost 3.40 in STB No. AB 167 (Sub-No. 1183X) and Milepost 3.40 to Milepost 4.20 in STB No. AB 167 (Sub-No. 1015). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines. These applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 290 (Sub-No. 552X (NS)). This letter will serve as the consultation notice with respect to each of these three filings.

The purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) the removal of the rail bridge at Milepost 2.92 that is the subject of a pending Pennsylvania Public Utility Commission bridge removal proceeding brought by the City of Philadelphia and (ii) the sale of Milepost 2.70 to 2.92 to a private developer for commercial development. Milepost 0.00 to 2.70 was sold to the City of Philadelphia in 1978. Conrail retained operating rights over the segment but the operating agreement did not impose any obligation on Conrail to provide rail service. There have been no customers served off of this segment for over two years.

58

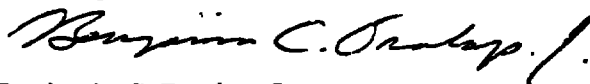
July 11, 2011
Dennis Reidenbach, Regional Director
National Park Service
Page 2

Enclosed are copies of a U.S.G.S. map delineating the line being considered. Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line.

Are there any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment? If so, would there be any effects?

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21. Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1201 Eye Street, NW, 9th Floor (Org Code 2240)
Washington, D.C. 20005

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Sir/Madam:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). **This application will be docketed as STB No. AB 167 (Sub-No. 1191X).** The Line is not connected on either end to any active track. The balance of the Berks Street Industrial Track was legally abandoned years ago: Milepost 2.98 to Milepost 3.40 in STB No. AB 167 (Sub-No. 1183X) and Milepost 3.40 to Milepost 4.20 in STB No. AB 167 (Sub-No. 1015). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines. **These applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 290 (Sub-No. 552X (NS)).** This letter will serve as the consultation notice with respect to each of these three filings.

The purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) the removal of the rail bridge at Milepost 2.92 that is the subject of a pending Pennsylvania Public Utility Commission bridge removal proceeding brought by the City of Philadelphia and (ii) the sale of Milepost 2.70 to 2.92 to a private developer for commercial development. Milepost 0.00 to 2.70 was sold to the City of Philadelphia in 1978. Conrail retained operating rights over the segment but the operating agreement did not impose any obligation on Conrail to provide rail service. There have been no customers served off of this segment for over two years.

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July 11, 2011
U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
Page 2

Enclosed are copies of a U.S.G.S. map delineating the line being considered. **Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line.**

Are there any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment? If so, would there be any effects?

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21. Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

Denise Coleman, State Conservationist
Pennsylvania Natural Resources Conservation Service
One Credit Union Plaza
Suite 340
Harrisburg, PA 17110-2993

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Ms. Coleman:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

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July 11, 2011
Denise Coleman, State Conservationist
Pennsylvania Natural Resources Conservation Service
Page 2

I am enclosing copies of a U.S.G.S. map with the area of the subject track defined. Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line.

The Line is located in a highly urban/residential/commercial/industrial area. Therefore, it does not appear there are any areas of prime agricultural land, as defined by the Natural Resources Conservation Service, in the vicinity of the subject track. But if so, what would be the effect of the proposed abandonment on any prime soils?

Please forward your comments regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21.

Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

U.S. Department of Agriculture
Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Sir/Madam:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

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July 11, 2011
U.S. Department of Agriculture
Natural Resources Conservation Service
Page 2

I am enclosing copies of a U.S.G.S. map with the area of the subject track defined. In this case, the abandonment would not involve the salvage or removal of track material. Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line.

The Line is located in a highly urban/residential/commercial/industrial area. Therefore, it does not appear there are any areas of prime agricultural land, as defined by the Natural Resources Conservation Service, in the vicinity of the subject track. But if so, what would be the effect of the proposed abandonment on any prime soils?

Please forward your comments regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21.

Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

Richard J. Allan, Acting Secretary
Pennsylvania Department of Conservation and Natural Resources
Rachel Carson State Office Building, 6th Floor
400 Market Street
P.O. Box 8475
Harrisburg, PA 17105-8451

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Mr. Allan:

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66

July 11, 2011

Richard J. Allan, Acting Secretary

Pennsylvania Department of Conservation and Natural Resources

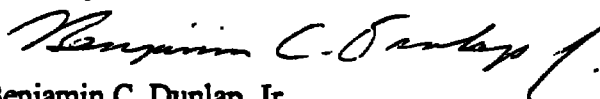
Page 2

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Will this proposed abandonment require permits as designated under section 402 of the Clean Water Act (33 U.S.C. §1342)? Are there any coastal zone areas in the vicinity of this proposal? And if so, what effect would the proposed abandonment have on these zones?

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21. Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

Carolyn Wallis, Natural Resource Program Supervisor
Department of Conservation and Natural Resources
Bureau of Recreation and Conservation - Southeast Region
801 Market Street
Suite 6020
Philadelphia, PA 19107-3158

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Ms. Wallis:

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July 11, 2011
Carolyn Wallis
Department of Conservation and Natural Resources
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Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

Michael Krancer, Secretary
Pennsylvania Department of Environmental Protection
909 Elmerton Avenue
Harrisburg, PA 17110

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Secretary Krancer:

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70

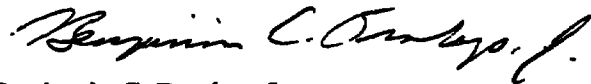
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Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

**The Pennsylvania State University
Cooperative Extension Service-Philadelphia County
College of Agricultural Services
111 North 49th Street
Suite KN3-100
3rd Floor North
Philadelphia, PA 19139**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

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Superior analysis. Effective solutions. Since 1871.

72

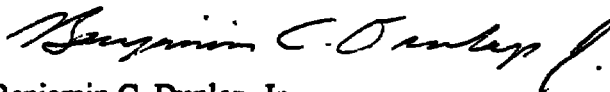
July 11, 2011
The Pennsylvania State University
Cooperative Extension Services-Philadelphia County
Page 2

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Sincerely,

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Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

The Pennsylvania State University
Cooperative Extension
College of Agricultural Services
201 Agricultural
Administration Building
University Park, PA 16802

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

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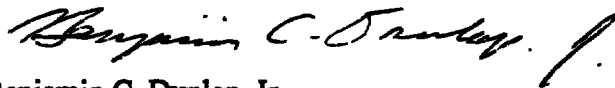
July 11, 2011
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Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

Tom Tidwell, Chief
U.S. Forest Service
1400 Independence Avenue, N.W.
Washington, D.C. 20250-0003

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Chief Tidwell:

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July 11, 2011
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P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

U.S. Railroad Retirement Board
Nix Federal Building
900 Market Street, Room 301
P.O. Box 327
Philadelphia, PA 19105-0327

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Sir/Madam:

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July 11, 2011
U.S. Railroad Retirement Board
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July 11, 2011

Department of Defense
Transportation Engineering Agency
720 Thimble Shoals Boulevard
Newport News, VA 23606-4537

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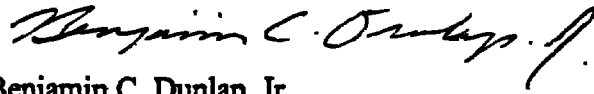
July 11, 2011
Department of Defense
Transportation Engineering Agency
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Enclosure(s)



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Harrisburg, PA 17108-0840

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E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

Department of Defense
Attention: Military Traffic Management Command
Hoffman Building II
200 Stovall Street
Alexandria, VA 22332

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82

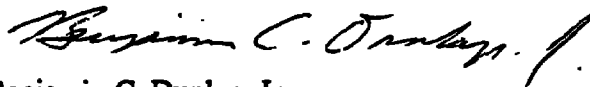
July 11, 2011
Department of Defense
Military Traffic Management Command
Page 2

I am enclosing copies of a U.S.G.S. map with the area of the subject track defined. Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line.

Please forward your comments regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21.

Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

Federal Railroad Administration
Region 2
Baldwin Tower, Suite 660
1510 Chester Pike
Crum Lynne, PA 19022

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Sir/Madam:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). This application will be docketed as STB No. AB 167 (Sub-No. 1191X). The Line is not connected on either end to any active track. The balance of the Berks Street Industrial Track was legally abandoned years ago: Milepost 2.98 to Milepost 3.40 in STB No. AB 167 (Sub-No. 1183X) and Milepost 3.40 to Milepost 4.20 in STB No. AB 167 (Sub-No. 1015). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines. These applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 290 (Sub-No. 552X (NS)). This letter will serve as the consultation notice with respect to each of these three filings.

The purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) the removal of the rail bridge at Milepost 2.92 that is the subject of a pending Pennsylvania Public Utility Commission bridge removal proceeding brought by the City of Philadelphia and (ii) the sale of Milepost 2.70 to 2.92 to a private developer for commercial development. Milepost 0.00 to 2.70 was sold to the City of Philadelphia in 1978. Conrail retained operating rights over the segment but the operating agreement did not impose any obligation on Conrail to provide rail service. There have been no customers served off of this segment for over two years.

84

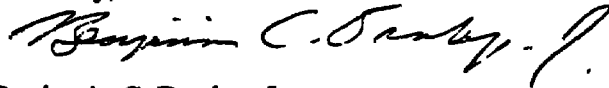
July 11, 2011
Federal Railroad Administration
Page 2

I am enclosing copies of a U.S.G.S. map with the area of the subject track defined. Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line.

Please forward your comments regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, reading "Benjamin C. Dunlap, Jr.", written in dark ink.

Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

Jean Cutler, Director
Pennsylvania Historical & Museum Commission
State Historic Preservation Office
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, PA 17120-0093

In re: Request for Consultation Regarding Railroad Line Abandonment in Philadelphia

Dear Director Cutler:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). **This application will be docketed as STB No. AB 167 (Sub-No. 1191X).** The Line is not connected on either end to any active track. The balance of the Berks Street Industrial Track was legally abandoned years ago: Milepost 2.98 to Milepost 3.40 in STB No. AB 167 (Sub-No. 1183X) and Milepost 3.40 to Milepost 4.20 in STB No. AB 167 (Sub-No. 1015). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines. **These applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 290 (Sub-No. 552X (NS)).** This letter will serve as the consultation notice with respect to each of these three filings.

The purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) the removal of the rail bridge at Milepost 2.92 that is the subject of a pending Pennsylvania Public Utility Commission ("PUC") bridge removal proceeding brought by the City of Philadelphia and (ii) the sale of Milepost 2.70 to 2.92 to a private developer for commercial development. Milepost 0.00 to 2.70 was sold to the City of Philadelphia in 1978. Conrail retained operating rights over the segment but the operating agreement did not impose any obligation on Conrail to provide rail service. There have been no customers served off of this segment for over two years.

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July 11, 2011
Jean Cutler, Director
Pennsylvania Historical & Museum Commission
Page 2

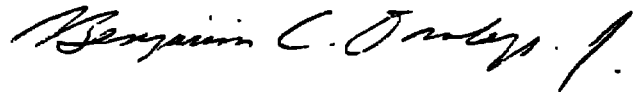
Enclosed are copies of a U.S.G.S. map delineating the area being considered and designating the undergrade bridges. There are no railroad buildings along this Line. The Line contains two existing undergrade bridges that our records indicate are greater than 50 years old, one of which is the aforementioned bridge to be removed pursuant to PUC Order for safety reasons and neither of which is historically significant. Bridge 2.92 crossing Allegheny Avenue is a transverse trough deck that is filled with concrete and ballast with three spans totaling 130 feet in length that was built in 1901. Bridge 2.80 is an I-beam bridge with an open deck with three spans totaling 88 feet in length and was built in 1946. Bridge 2.80 crosses Conrail's Richmond Industrial Track and will remain Conrail's responsibility following the abandonment. Photographic copies of the rail bridges are enclosed.

It is Conrail's position that none of the characteristics of the Line hold any special historical or engineering significance. The Line traverses urban residential/commercial/industrial areas with a flat topography. **Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line.**

Please forward any comments you may have regarding this proposal in writing to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21.

Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

Dr. Neil D. Weston
Spatial Reference System Division
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

In re: Request for Consultation Regarding Railroad Line Abandonment in Philadelphia

Dear Dr. Weston:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

We are required to contact the National Geodetic Survey concerning the abandonment. I would appreciate any comments you may have concerning the proposal. To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). **This application will be docketed as STB No. AB 167 (Sub-No. 1191X).** The Line is not connected on either end to any active track. The balance of the Berks Street Industrial Track was legally abandoned years ago: Milepost 2.98 to Milepost 3.40 in STB No. AB 167 (Sub-No. 1183X) and Milepost 3.40 to Milepost 4.20 in STB No. AB 167 (Sub-No. 1015). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines. **These applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 290 (Sub-No. 552X (NS)).** This letter will serve as the consultation notice with respect to each of these three filings.

The purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) the removal of the rail bridge at Milepost 2.92 that is the subject of a pending Pennsylvania Public Utility Commission bridge removal proceeding brought by the City of Philadelphia and (ii) the sale of Milepost 2.70 to 2.92 to a private developer for commercial development. Milepost 0.00 to 2.70 was sold to the City of Philadelphia in 1978. Conrail retained operating rights over the segment but the operating agreement did not impose any obligation on Conrail to provide rail service. There have been no customers served off of this segment for over two years.

88

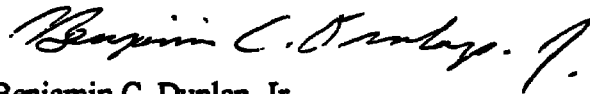
July 11, 2011
Dr. Neil D. Weston
Spatial Reference System Division
Page 2

I am enclosing copies of a U.S.G.S. map with the area of the subject track defined. Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line. No geodetic survey marks would be disturbed.

Please forward your comments regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21.

Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 11, 2011

U.S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Sir/Madam:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). **This application will be docketed as STB No. AB 167 (Sub-No. 1191X).** The Line is not connected on either end to any active track. The balance of the Berks Street Industrial Track was legally abandoned years ago: Milepost 2.98 to Milepost 3.40 in STB No. AB 167 (Sub-No. 1183X) and Milepost 3.40 to Milepost 4.20 in STB No. AB 167 (Sub-No. 1015). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines. **These applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 290 (Sub-No. 552X (NS)).** This letter will serve as the consultation notice with respect to each of these three filings.

The purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) the removal of the rail bridge at Milepost 2.92 that is the subject of a pending Pennsylvania Public Utility Commission bridge removal proceeding brought by the City of Philadelphia and (ii) the sale of Milepost 2.70 to 2.92 to a private developer for commercial development. Milepost 0.00 to 2.70 was sold to the City of Philadelphia in 1978. Conrail retained operating rights over the segment but the operating agreement did not impose any obligation on Conrail to provide rail service. There have been no customers served off of this segment for over two years.

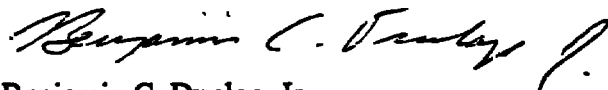
90

Will this proposed abandonment require permits as designated under section 402 of the Clean Water Act (33 U.S.C. §1342)? I am enclosing copies of a U.S.G.S. map with the area of the subject track defined. **Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line.** The proposed abandonment will not involve any activity that will create any point source discharges to waters of the U.S. The proposed abandonment does not involve excavation or other activity that would create any dredged or fill materials, and therefore no dredged or fill materials will be placed into wetlands or other waters of the U.S. The proposed abandonment will not involve any type of activity and, accordingly, there will be no degradation of water quality standards. The Line was used for rail freight operations. There are two existing undergrade bridges along the Line. It was Conrail's policy and practice (or that of its predecessor railroads) during the time of said removal activities to engage an outside contractor for such demolition and track removal work. Any such contractor was required to obtain whatever permits were necessary. While Conrail does not have a record of what permits, if any, were obtained in connection with the prior track removal, we note that the Line was not located near any waterways nor in need of soil excavation.

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21.

Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 21, 2011

Department of Defense
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
1 Soldier Way
Scott AFB, IL 62225

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Sir/Madam:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). **This application will be docketed as STB No. AB 167 (Sub-No. 1191X).** The Line is not connected on either end to any active track. The balance of the Berks Street Industrial Track was legally abandoned years ago: Milepost 2.98 to Milepost 3.40 in STB No. AB 167 (Sub-No. 1183X) and Milepost 3.40 to Milepost 4.20 in STB No. AB 167 (Sub-No. 1015). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines. **These applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 290 (Sub-No. 552X (NS)).** This letter will serve as the consultation notice with respect to each of these three filings.

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92

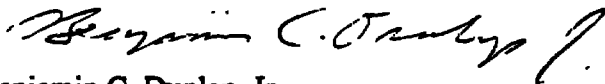
July 21, 2011
Department of Defense
Transportation Engineering Agency
Page 2

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Please forward your comments regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21.

Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

July 21, 2011

Department of Defense
Attention: Military Traffic Management Command
5611 Columbia Pike (701 NAS)
Falls Church, VA 22041-5050

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Philadelphia**

Dear Sir/Madam:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Philadelphia, PA, known as the Berks Street Industrial Track, Line Code 10 0301, from Milepost 0.00 to 2.98 (the "Line"). Please be advised that Conrail has ownership from Milepost 2.70 to 2.98 but only has operating rights between 0.0 and 2.70. There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Codes 19123, 19122 and 19134.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). **This application will be docketed as STB No. AB 167 (Sub-No. 1191X).** The Line is not connected on either end to any active track. The balance of the Berks Street Industrial Track was legally abandoned years ago: Milepost 2.98 to Milepost 3.40 in STB No. AB 167 (Sub-No. 1183X) and Milepost 3.40 to Milepost 4.20 in STB No. AB 167 (Sub-No. 1015). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines. **These applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 290 (Sub-No. 552X (NS)).** This letter will serve as the consultation notice with respect to each of these three filings.

The purpose of the abandonment of Milepost 2.70 to 2.98 is to facilitate (i) the removal of the rail bridge at Milepost 2.92 that is the subject of a pending Pennsylvania Public Utility Commission bridge removal proceeding brought by the City of Philadelphia and (ii) the sale of Milepost 2.70 to 2.92 to a private developer for commercial development. Milepost 0.00 to 2.70 was sold to the City of Philadelphia in 1978. Conrail retained operating rights over the segment but the operating agreement did not impose any obligation on Conrail to provide rail service. There have been no customers served off of this segment for over two years.

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July 21, 2011
Department of Defense
Military Traffic Management Command
Page 2

I am enclosing copies of a U.S.G.S. map with the area of the subject track defined. Most of the rails and ties on the Line have already been removed and therefore the abandonment will result in little, if any, salvage activity or disturbance on the Line.

Please forward your comments regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 21.

Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)

**Proof of Publication in The Philadelphia Daily News
Under Act. No 587, Approved May 16, 1929**

**STATE OF PENNSYLVANIA
COUNTY OF PHILADELPHIA**

Anna Dickerson being duly sworn, deposes and says that **The Philadelphia Daily News** is a newspaper published daily, except Sunday, at Philadelphia, Pennsylvania, and was established in said city in 1925, since which date said newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said newspaper on the following dates:

November 7, 2011

Affiant further deposes and says that she is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that she is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Anna Dickerson

Sworn to and subscribed before me this 7th day of
November, 2011.

Mary Anne Logan
Notary Public

My Commission Expires

NOTARIAL SEAL
Mary Anne Logan, Notary Public
City of Philadelphia, Phila. County
My Commission Expires March 30, 2013

Copy of Notice of Publication

NOTICE

Consolidated Rail Corporation gives notice that on or after November 15, 2011, it intends to file with the Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of a 2.96 mile line of railroad known as the Berks Street Industrial Track between railroad milepost 0.00 and railroad milepost 2.98, which traverses through United States Postal Service Zip Codes 19123, 19122 and 19134 in the City of Philadelphia, Pennsylvania. The proceeding will be docketed as STB No. AB 167 (Sub-No. 1181X). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines (these applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 260 (Sub-No. 552X (NS)). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 28 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423 or by calling that office at 202-245-0295. Appropriate offers of financial assistance to continue railroad service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001, and one copy must be served on applicant's representative. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0245. Copies of any comments or requests for conditions should be served on the applicant's representative: Benjamin C. Dunlap, Jr., Esquire, Nauman, Smith, Shiesler & Hall, LLP, 200 North Third Street, 18th Floor, Harrisburg, PA 17101, telephone 717-238-3010, ext. 21, E-mail: bdunlap@nsah.com.

EXHIBIT

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NOTICE

Consolidated Rail Corporation gives notice that on or after November 15, 2011, it intends to file with the Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F – *Exempt Abandonments* permitting the abandonment of a 2.98 mile line of railroad known as the Berks Street Industrial Track between railroad milepost 0.00 and railroad milepost 2.98, which traverses through United States Postal Service Zip Codes 19123, 19122 and 19134 in the City of Philadelphia, Pennsylvania. The proceeding will be docketed as STB No. AB 167 (Sub-No. 1191X). Simultaneous with Conrail's filing of its abandonment application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines (these applications will be docketed as STB No. AB 55 (Sub-No. 710X (CSXT)) and STB No. AB 290 (Sub-No. 552X (NS))).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue railroad service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of

Proceedings, 395 E Street, SW, Washington, DC 20423-0001, and one copy must be served on applicant's representative. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0245. Copies of any comments or requests for conditions should be served on the applicant's representative: Benjamin C. Dunlap, Jr., Esquire, Nauman, Smith, Shissler & Hall, LLP, 200 North Third Street, 18th Floor, Harrisburg, PA 17101, telephone 717-236-3010, ext. 21, E-mail: bdunlapjr@nssh.com.